



# VIRGINIA REAL ESTATE APPRAISER BOARD

## THE VIRGINIA APPRAISER

Volume 16

Department of Professional and Occupational Regulation

Summer 2007

### Message From the Chair



John C. Harry, III

Over the past couple of years several requests have been made that the Virginia Real Estate Appraiser Board (the Board) resume publishing our newsletter, *The Virginia Appraiser*, to update everyone in the Virginia appraiser community as to what is going on. After much thought and discussion, the Board has decided to do just that.

I hope that you enjoy and find informative Volume 16 of *The Virginia Appraiser*. The newsletter has been placed on the Board's website, and two volumes will be published each year.

There have been several changes in our profession. Most significantly, perhaps, are the changes to appraiser applicant's qualifications criteria which will become effective

January 1, 2008. Everyone should be aware of these changes, and the particulars on this can be found on page 3.

The Board continues to take disciplinary action against appraiser licensees who have violated our laws and regulations. I am certain you are aware that the Board is charged with protecting the public from licensed appraisers who fail to abide by these laws and regulations. Specific recent disciplinary actions taken by the Board are listed on page 5.

In addition, I have fielded many questions on how to file a complaint against a licensed appraiser. A summary of this process is included on page 6.

Finally, there have been some recent changes to the Board staff and DPOR office location. I have full confidence that Board staff will continue to serve the Board, its licensees and the public with excellence.

The DPOR office has been consolidated with several other state agencies in one building to increase overall efficiencies for licensees, staff and the public. The new address and contact information for DPOR and the Board are included on page 2.

Best regards,

Jack Harry

Real Estate Appraiser Board  
The Perimeter Center  
9960 Mayland Drive, # 400  
Richmond, VA 23233  
804-367-8500

Timothy M. Kaine  
Governor

Patrick O. Gottschalk  
Secretary  
Commerce & Trade

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### 2007 Meeting Dates

All meetings are held on the 2nd Floor of the Department of Professional & Occupational Regulation (DPOR), at the address above.

August 21, 2007  
November 27, 2007

# Real Estate Appraiser Board Members & Staff

## Board Members

John C. Harry, III  
Chairman  
Chesapeake, VA  
Term ends April 2, 2008

Harry O. Lewis  
Vice Chairman  
Richmond, VA  
Term ends April 2, 2010

Janet W. Fuller  
Meadowview, VA  
Term ends April 2, 2008

Gina M. Burgin  
Citizen Member  
Richmond, VA  
Term ends April 2, 2008

Perry E. Turner, Jr.  
Richmond, VA  
Term ends April 2, 2009

Diane Quigley  
Clifton, VA  
Term ends April 2, 2009

Richard A. Pruitt  
McLean, VA  
Term ends April 2, 2009

Douglas Mullins, Jr.  
Citizen Member  
Wise, VA  
Term ends April 2, 2010

Sandra Johnson  
Chesapeake, VA  
Mortgage Lending Industry  
Term ends April 2, 2010

## WE'VE MOVED!!

The Department of Professional & Occupational Regulation (DPOR) and the Real Estate Appraiser Board moved from the City of Richmond to the Perimeter Center in Henrico County on August 13th.

Our new address is 9960 Mayland Drive, Suite 400, Richmond, VA, 23233. DPOR and Board Staff telephone numbers have not changed.

## DPOR Staff

Jay DeBoer, Director

David Ashe, Chief Deputy

Karen O'Neal, Deputy Director  
Licensing & Regulation Division

Nick Christner, Deputy Director  
Compliance & Investigations Division

Steven Arthur, Deputy Director  
Administration & Finance Division

## Real Estate Appraiser Board Staff

Christine Martine  
Executive Director

Kevin Hoeft  
Board Administrator

Maryanne Woo  
Office Manager

Regina Greene  
Licensing Specialist

Elaine Winn  
Licensing Specialist

## Board Contact Information

Phone - 804-367-2039  
Fax - 804-527-4299  
E-mail - REAppraisers@dpor.virginia.gov

## 2008 Appraiser Applicants Qualifications Criteria

On February 20, 2004, the Appraiser Qualifications Board (AQB) of the Appraisal Foundation adopted changes to the Real Property Appraiser Qualifications Criteria that will become effective on January 1, 2008. These changes represent the minimum national requirements that each state must implement for individuals applying for a real estate appraiser license or certification as of January 1, 2008. The changes include:

- Appraisers supervising trainees must be state certified as a certified residential or certified general appraiser.
- Appraisers may not supervise more than three trainees.
- The experience requirement for obtaining a licensed residential appraiser license will be 2,000 hours obtained in no fewer than 12 months.
- An applicant must have at least an Associate's degree to obtain a Certified Residential Real Estate Appraiser license. In lieu of an Associate's degree, an applicant may have 21 semester credit hours covering the following subject matter courses: English Composition; Principles of Economics (Micro or Macro); Finance; Algebra; Geometry or Higher Mathematics; Statistics; Introduction to Computers – Word Processing/Spreadsheets; and Business or Real Estate Law.
- An applicant must have at least a Bachelor's degree to obtain a Certified General Real Estate Appraiser license. In lieu of a Bachelor's degree, an applicant may have 30 semester credit hours covering the following subject matter courses: English Composition; Micro Economics; Macro Economics; Finance; Algebra; Geometry or higher mathematics; Statistics; Introduction to Computers – Word Processing/Spreadsheets; Business or Real Estate Law; and 2 elective courses in Accounting; Geography; Ag-economics; Business Management; or Real Estate.

The new requirements are divided into three components or “segments”: education, experience and examination. On November 10, 2005, the Virginia Real Estate Appraiser Board (The Board) adopted the “Segmented Approach,” whereby an applicant has to meet the criteria in effect at the time he or she completes a particular segment. Any segment completed prior to January 1, 2008, will satisfy the current criteria, while any segment not completed by January 1, 2008, will have to conform to the new criteria.

The Board will use this Segmented Approach for twelve months. License applicants who submit their applications to the Board before January 1, 2008, will have 12 months to complete each remaining segment according to the new criteria. On January 1, 2009, all applicants will have to meet the new criteria for each segment. These new criteria requirements will include individuals who currently have a Virginia appraiser license and are applying to upgrade to a higher license level.

For additional information regarding the 2008 Appraiser Applicants Qualifications Criteria, log onto [www.appraisalfoundation.org](http://www.appraisalfoundation.org) and click on the “Education/Qualifications” tab.

## Signing Appraisal Reports

On February 21, 2006, the Virginia Real Estate Appraiser Board (the Board) adopted the following guidance document entitled, "Guidance Document re: Signing any Appraisal Report" pertaining to trainees who sign pre-printed appraisal reports:

When signing a pre-printed appraisal report, appraiser trainees shall sign their name in the following manner: John Doe, Appraiser Trainee. Their license number must be indicated on the line marked "State License #." Section 18 VAC 130-20-10 of the Regulations of the Board, defines *appraiser trainee* as "*an individual who is licensed as an appraiser trainee to appraise those properties which the supervising appraiser is permitted to appraise.*"

The Board recognizes that there are unlicensed trainees. While an unlicensed individual may sign an appraisal report, § 54.1-2009 of the *Code of Virginia*, prohibits an unlicensed individual from using the terms "appraiser" or "appraisal." Unlicensed trainees shall sign their name in the following manner: John Doe, Unlicensed Trainee. Failing to include a license number will further notify users and reviewers of the report that the individual is not licensed.

All appraisal reports submitted to the Board that were completed after June 1, 2006, shall adhere to the above requirements. Reports submitted in violation of these requirements shall subject the supervising appraiser to disciplinary action by the Board.

All Board licensees were notified of this guidance document by postcard in March 2006. It is also available for viewing on the Board's website at [http://www.dpor.virginia.gov/dporweb/apr\\_main.cfm](http://www.dpor.virginia.gov/dporweb/apr_main.cfm), and can be accessed by clicking on the "Signing Appraisal Report" link.

### Continuing Education

Effective July 1, 2003, all Board licensees are required to complete 28 hours of continuing education each renewal cycle, to include the seven-hour National Uniform Standards of Professional Appraisal Practice (USPAP) course. A licensee cannot substitute the 15-hour USPAP course for the seven-hour course.

Effective April 27, 2001, licensees may receive continuing education credit for attending Board meetings. Licensees can attend one Board meeting per licensing term and receive a minimum of two and maximum of seven hours of credit - depending on the length of the Board meeting. Licensees are required to sign in and out at each meeting. Verification of credit awarded will be mailed to each licensee.

### DID YOU KNOW . . . ?

- All appraisers are listed on the National Registry at <http://www.asc.gov>.
- You can request that The Appraisal Foundation e-mail any of its actions to you.
- Meeting dates for the Appraiser Qualifications Board and the Appraiser Subcommittee are listed on The Appraisal Foundation's website. You can also join their mailing lists.
- You are performing an appraisal when you perform a Comparable ("Comp") check, and you need to maintain a work file for each parcel/property.

## Board Disciplinary Actions

If a complaint is filed against an appraiser who is subject to the laws and regulations of the Virginia Real Estate Appraiser Board (the Board), the complaint is reviewed by the Compliance and Investigations Division (CID) of DPOR to determine if a violation of these laws or regulations may have occurred. If there is probable cause of a violation, an investigation is initiated. If the investigation reveals that one or more violations may have occurred, the licensee receives notice to appear at an informal fact-finding conference (IFF) to address these alleged violations.

In some cases the licensee may be offered a pre-IFF Consent Order. A Consent Order is an agreement between the licensee and the Board consisting of specific violations and sanctions. Pre-IFF Consent Orders eliminate the time and expense associated with conducting an IFF.

If an IFF is held, a recommendation from the IFF hearing officer consisting of violations and proposed sanctions is submitted to the Board for consideration at its next regularly scheduled meeting. The Board can take the following disciplinary actions against a licensee: assess a monetary penalty; suspend or revoke a license; place an individual on probation, require additional education, or deny renewal. A licensee can continue to practice as an appraiser throughout the disciplinary process until the Board either revokes or suspends his license.

The public can view the Board's Final Orders and Consent Orders on the DPOR website: [www.dpor.virginia.gov](http://www.dpor.virginia.gov). Just click on "License Lookup." Then click on "Search Disciplinary Actions Occurring since April 1, 2002." A search page will appear with directions on how to search for Board disciplinary actions against licensed appraisers.

The following cases are disciplinary actions rendered by the Board from 2006 to the present:

<u>Case No.</u>	<u>Licensee</u>	<u>Violation/Sanction</u>
2004-04925	James R. Burns Midlothian, VA	18 VAC 130-20-180(E) Appraisal report requirements Fined \$2000; additional ce
2006-00512	Keith A. Smith Ft. Washington, MD	18 VAC 130-20-180(D) Development of Appraisal 18 VAC 130-20-180(E) Appraisal report requirements Fined \$2000 plus \$150 investigation costs; additional ce
2006-03232	Douglas W. Scott Ashland, VA	18 VAC 130-20-180(B) Maintenance of Licenses 18 VAC 130-20-180(C) Use of Signature/Electronic Transmission of Report 18 VAC 130-20-180(D) Development of Appraisal 18 VAC 130-20-180(E) Appraisal report requirements Fined \$800 plus \$150 investigation costs; additional ce
2006-01713	Stephanie O. Jackson Richmond, VA	18 VAC 130-20-180(K) Unworthiness Fined \$2500; license suspended for 12 months; probation until successful completion of 15 hr USPAP course
2006-03192	James M. Robbins Chester, VA	18 VAC 130-20-180(D) Development of Appraisal 18 VAC 130-20-180(E) Appraisal report requirements Fined \$1000 plus \$150 investigation costs; additional ce
2006-04488	Robert D. Blake Moseley, VA	18 VAC 130-20-180(E) Appraisal report requirements Fined \$150 investigation costs; license suspended 30 days
2006-03590	Peter Van Vermillion Williamsburg, VA	18 VAC 130-20-180(D) Development of Appraisal 18 VAC 130-20-180(E) Appraisal report requirements 18 VAC 130-20-180(K) Unworthiness Fined \$1050; probation until successful completion of 15 hr USPAP course
2006-03845	William J. Lammey Westminster, MD	18 VAC 130-20-180(D) Development of Appraisal 18 VAC 130-20-180(E) Appraisal report requirements 18 VAC 130-20-180(K) Unworthiness License Revoked

2006-02712	Kenneth S. Gusler Roanoke, VA	18 VAC 130-20-180(E) Appraisal report requirements 18 VAC 130-20-180(J) Competency Fined \$5000; license suspended until completion of terms
2006-02740	Rita L. Trinkle Roanoke, VA	18 VAC 130-20-180(E) Appraisal report requirements 18 VAC 130-20-180(J) Competency Fined \$5000; Probation for 12 months
2006-02885	Robert Cole Manassas, VA	18 VAC 130-20-180(D) Development of Appraisal 18 VAC 130-20-180(E) Appraisal report requirements Fined \$3000; Probation until successful completion of 15 hr US PAP course
2006-02416	John A. Ruff Bedford, VA	18 VAC 130-20-180(K) Unworthiness 18 VAC 130-20-180(H) Record keeping Fined \$12,500; Suspended for six (6) months

## HOW TO FILE A COMPLAINT

The Compliance & Investigations Division (CID) of the Department of Professional and Occupational Regulation (the Department) reviews complaints to determine whether the Department is authorized to process and investigate the complaint.

Any complaint against a licensed or certified appraiser for any violation of statutes or regulations within the jurisdiction of the Virginia Real Estate Appraiser Board (the Board), in order to be investigated by the Department, shall be made in writing, or otherwise made in accordance with Department procedures, and received by the Department within three years of the act, omission or occurrence giving rise to the violation.

**NOTE:** The Department cannot guarantee anonymity. By law, all complaints received by the Department are subject to public disclosure once a case is closed. Therefore, if you wish to file a complaint anonymously, please do not include any personal information on the Complaint Form or on any supplemental documents that may reveal your identity.

However, please do include as much detailed information about the complaint as you can. While the Department does accept anonymous complaints, it will not investigate a complaint if it lacks sufficient information to support a regulatory violation.

If the investigation shows probable cause that a violation occurred, (1) the Board may take disciplinary action against the licensee, or (2) criminal action may be taken if the individual or business is not licensed. You may be asked to appear in court or at a disciplinary proceeding to provide testimony for the case.

If the investigation does not show probable cause that a violation occurred, the case will be closed. In some instances, the Department may offer mediation as a means of alternative dispute resolution regarding complaints against licensees. The Board CANNOT require any licensee to refund money, correct deficiencies, or provide other personal remedies. In some cases, a legal action may be your only recourse to resolve a matter. The Department cannot provide legal advice.

For more information, to request a complaint form, or to file a complaint, contact CID at 804/367-8504 or by e-mail at: [complaintanalysis@dpor.virginia.gov](mailto:complaintanalysis@dpor.virginia.gov).